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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,704	07/20/2001	William A. Huffman	062986.0205	9987

7590

09/13/2005

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EXAMINER

LEE, CHRISTOPHER E

ART UNIT	PAPER NUMBER
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2112

DATE MAILED: 09/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/909,704

Applicant(s)

HUFFMAN, WILLIAM A.

Examiner

Christopher E. Lee

Art Unit

2112

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 August 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

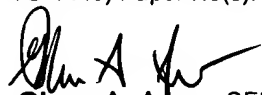
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-15.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.


Glenn A. Atve CEL/oc
Primary Patent Examiner
Technology Center 2100

Continuation of 11. does NOT place the application in condition for allowance because:

In response to the Applicant's argument with respect to "... Thus, even with the use of the queuing operation of the Trull, et al. patent with the request buffer of the Bauman, et al., there would still lack an ability to group entries after placement into a queue as required by the claimed invention. Therefore, Applicant respectfully submits that Claims 1-3 and 5-7 are patentably distinct from the proposed Bauman, et al. - Trull combination. ..." in the Response page 7, line 6 through page 8, line 17, the Examiner believes that the Applicant misinterprets the claim rejection.

The Applicant essentially argues that Bauman in view of Trull doesn't teach the above argued elements, i.e., associating each entry after placement in the queue to one of a plurality of groups, each of the plurality of groups having a different transaction parameter criteria, because Bauman groups its transfers prior to placement within its request buffer registers under the register priority scheme.

In contrary to the Applicant's statement, Bauman teaches that an arbitration queue (i.e., requests queues 252, 254, 256, 258, and primary arbitration queues 282, 284, 286, 288 in Fig. 17; See col. 3, lines 30-35) having a plurality of queue entries (i.e., requests; See col. 16, lines 37-44) comprises associating each entry after placement in the queue (i.e., said requests are placed (viz., enqueued) into said requests queues 252, 254, 256, 258, and primary arbitration queues 282, 284, 286, 288 before being grouped into channel module's request buffer 122 in fig. 17) to one of a plurality of groups (i.e., each entry being associated with one of channel modules, which has a group of requests for primary arbitration; See col. 8, lines 15-32), each of said plurality of groups (i.e., requests group per said channel module 112, for example) having a different transaction parameter criteria (i.e., different packet priority schemes, e.g., based on the time, or a factor other than time; See col. 8, lines 15-44). Thus, the Applicant's argument on this point is not persuasive.

In response to the Applicant's argument with respect to "...However, the Trull patent places instructions into a queue without associating them with a group. To remedy this deficiency, the Examiner cites the Bauman, et al. patent for its grouping technique. However, as stated above, the Bauman, et al. patent groups its transfers prior to placement within its request buffer under the register priority scheme so that each group can be inserted into a specific register and can be output from the specific register in a first in first out basis. Thus, even with the use of the queuing operation of the Trull, et al. patent with the request buffer of the Bauman, et al., there would still lack an ability to group entries after placement into a queue as required by the claimed invention. Therefore, Applicant respectfully submits that Claims 1-3 and 5-7 are patentably distinct from the proposed Bauman, et al. - Trull combination. ..." in the Response page 8, line 18 through page 9, line 17, the Examiner believes that the Applicant misinterprets the claim rejection as stated above argument response. Thus, the Applicant's argument on this point is not persuasive.

In response to the Applicant's argument with respect to "This Response to Examiner's Final Action is necessary to address the new grounds of rejection raised by the Examiner and the newly cited art in support thereof. This Response to Examiner's Final Action could not have been presented earlier as the Examiner has only now raised new grounds of rejection and cited new art not previously presented in this Application. ..." in the Response page 9, line 18 through page 11, line 18, the Examiner believes that the Applicant misunderstands MPEP § 706.07.

Actually, the Applicant submitted response to Examiner's action (hereinafter the Amendment) with the amended independent claims 1 and 9 on 21st of March 2005, which means the Applicant extended the scope of the claimed invention. Accordingly, the Examiner should newly interpret the extended scope of the claimed invention, and rejected the amended claims in the Office Action mailed on 24th of June 2005 (hereinafter the Office Action). Furthermore, the Examiner clearly mentioned in the Office Action that the Amendment necessitated the new grounds of rejection presented in the Office Action, and thus the Office Action made Final. In contrary to the Applicant's statement, this is clearly described in MPEP §706.07(a). Thus, the Applicant's argument on this point is not persuasive..